

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Trenton Division

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No. 09-858 (JAP)
	:	
BENJAMIN PENA, ROBERT Z. RUBECK and TAMARA FRANKEL,	:	
	:	
Defendants.	:	

Joint Motion for an Extension of Time

The Government, with the agreement of all parties, moves the Court to find that the “ends of justice served by” a 60-day extension of the timeline set forth in the Court’s Order for Inspection and Discovery “outweigh[s] the best interest of the public and the defendant in a speedy trial.” *See* 18 U.S.C. § 3161(h)(7)(A). In support of this motion, the parties note:

1. The number of defendants in this and related cases makes it “unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established” by the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(7)(B)(ii).
2. There is a substantial amount of discovery available to the defendants that may “deny counsel for the defendant[s] . . . the reasonable time necessary for effective preparation.” *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
3. The defendants in this case are individuals who are both deaf and/or hard of hearing and physically separated from their counsel, which complicates the defendants’ preparation for trial.

4. An extension of time will allow the parties to better explore pre-trial resolutions to the charges pending against the defendants, especially since coordinating such discussions is made more time consuming because the defendants are deaf and/or hard of hearing.

PAUL PELLETIER
ACTING CHIEF, FRAUD SECTION

By: _____/s/_____
Brigham Cannon
Trial Attorney, Fraud Section
Criminal Division
United States Department of Justice

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ORDER

Because the ends of justice served by an extension of time outweigh the best interest of the public and the defendant in a trial within the typical time requirements of the Speedy Trial Act of 1974, it is ORDERED that the timeline set forth in the Order for Discovery and Inspection be extended 60 days.

In support of this Order, the Court makes the following findings:

1. The number of defendants in this and related cases makes it “unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established” by the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(7)(B)(ii).
2. There is a substantial amount of discovery available to the defendants that may “deny counsel for the defendant[s] . . . the reasonable time necessary for effective preparation.” *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
3. The defendants in this case are individuals who are both deaf and/or hard of hearing and physically separated from their counsel, which complicates the defendants’ preparation for trial.

4. An extension of time will allow the parties to better explore pre-trial resolutions to the charges pending against the defendants, especially since coordinating such discussions is made more time consuming because the defendants are deaf and/or hard of hearing.

/s/ Joel A. Pisano
JOEL A. PISANO
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that on January 4, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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